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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

**DIGITAL VERIFICATION SYSTEMS,
LLC,**

Plaintiff,

vs.

EFILECABINET, INC.,

Defendant.

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Case No: 2:21-cv-00522-HCN

PATENT CASE

COMPLAINT

Plaintiff Digital Verification Systems, LLC (“Plaintiff” or “DVS”) files this Complaint against eFileCabinet, Inc. (“Defendant” or “eFileCabinet”) for infringement of United States Patent No. 9,054,860 (hereinafter “the ‘860 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with an address of 1 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is a Utah corporation with its principal office located at 4101 N. Thanksgiving Way, Lehi, UT 84043. On information and belief, Defendant may be served through its registered agent, Registered Agents, Inc., 881 Baxter Drive, Ste 100, South Jordan, UT 84095.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is a resident of this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the ‘860 Patent with sole rights to enforce the ‘860 Patent and sue infringers.

11. A copy of the ‘860 Patent, titled “Digital Verified Identification System and Method,” is attached hereto as Exhibit A.

12. The ‘860 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the ‘860 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and/or software for digital signature services (e.g., eFileCabinet eSignature service), and any similar products and/or services (“Product”) covered by at least Claim 1 of the ‘860 Patent. Defendant has infringed and continues to infringe the ‘860 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The Product provides a system for e-signatures. The Product provides for digitally verifying the identification of a sender. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

eSign Here: eSignature Integration with eFileCabinet

In an increasingly paperless world, more and more business is being conducted online. From this uprising of all things "e" in the business world comes the need to sign, validate, and move businesses forward with eSignature software.

What is an eSignature?

An electronic signature (eSignature) is digital acknowledgement that can be used as paperless confirmation that a person agrees with information included in an electronic document, or it can validate that they are the person who has prepared a digital message.

Source: <https://www.efilecabinet.com/esign-here-esignature-integration-with-efilecabinet/>

The screenshot shows a web interface titled "Jesse, Let's Create Your Signature". Below the title is the instruction "Create the style of your signature and initials from the options below." There are two main sections. The first section, "Use Default Signature/Initial", is currently unselected. It shows a sample signature "Jesse Z. Wood" and initials "JZW". The second section, "Choose Custom Signature", is selected with a checkmark. It contains two sub-sections: "Choose a Signature Font" and "Draw Your Own Signature". The "Draw Your Own Signature" section is further divided into "Signature" and "Initials". Each has a large text input area, "Clear" and "Upload" buttons, and a note: "(If you upload, please be certain it's an image of your signature or other mark.)". At the bottom right of the interface is a "Let's Go" button.

Source: <https://go.efilecabinet.com/esignature-get-started>

15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., e-signature creation module) to be associated with at least one entity (i.e., a user who needs to use a digital signature). Certain aspects of this element are illustrated in the screenshot(s) below and/or in

those provided in connection with other allegations herein.

Jesse, Let's Create Your Signature

Create the style of your signature and initials from the options below.

☐ Use Default Signature/Initial *Jesse ZWood* JZ

☒ Choose Custom Signature

Choose a Signature Font ☐ Draw Your Own Signature

Signature

(If you upload, please be certain it's an image of your signature or other mark.)

Initials

(If you upload, please be certain it's an image of your initials or other mark.)

Source: <https://go.efilecabinet.com/esignature-get-started>

Home > Rubex W... > EFC - De... > eSignatu...

Saved As New Version
jwood@efilecabinet.com | 2/10/2020

Type (4)

Contract Agreement.pdf
681.66 KB | jwood@efilecabinet.com | 2/10/2020

ESignature Test.pdf
48.90 KB | jwood@efilecabinet.com | 2/10/2020

Rachel Sampson Tax Return.pdf
452.51 KB | jwood@efilecabinet.com | 2/10/2020

Sampson, Rachel Preparer Review Copy - Complete Tax Return.pdf
452.51 KB | jwood@efilecabinet.com | 2/10/2020

Prepare For Signature

Description: File 10 - Contract Agreement.pdf

Signers:

Documents set: Contract Agreement.pdf

Advanced

Source: <https://go.efilecabinet.com/esignature-get-started>



Source: <https://app.efilecabinet.com/#/login>

16. The Product includes a module generating assembly structured to receive at least one verification data element corresponding to the at least one (e.g., a user has a unique login ID and password for accessing and verifying the account for e-signing documents) and create said at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

The image shows the eFileCabinet login interface. At the top is the eFileCabinet logo, which consists of a stylized 'e' inside a square frame. Below the logo are two input fields: 'Username' and 'Password'. Under the 'Password' field is a checkbox labeled 'Remember Username'. At the bottom right is a blue button with the text 'Sign in to eFileCabinet'.

Source: <https://app.efilecabinet.com/#/login>

Request signatures from anyone on any document

The intuitive eSignature tool allows you to drag-and-drop fields anywhere on your document you need a signature, initials, text, or checkbox. Then add your signature requests to your automated processes.

Send multiple documents to any individual for signature, or send a single document to multiple parties for their signatures.

Source: <https://go.efilecabinet.com/esignature-get-started>

Jesse, Let's Create Your Signature

Create the style of your signature and initials from the options below.

☐ Use Default Signature/Initial *Jesse T. Kline* JTK

☒ Choose Custom Signature

Choose a Signature Font ☐ Draw Your Own Signature

Signature

[Text Input Area]

Clear Upload

(If you upload, please be certain it's an image of your signature or other mark.)

Initials

[Text Input Area]

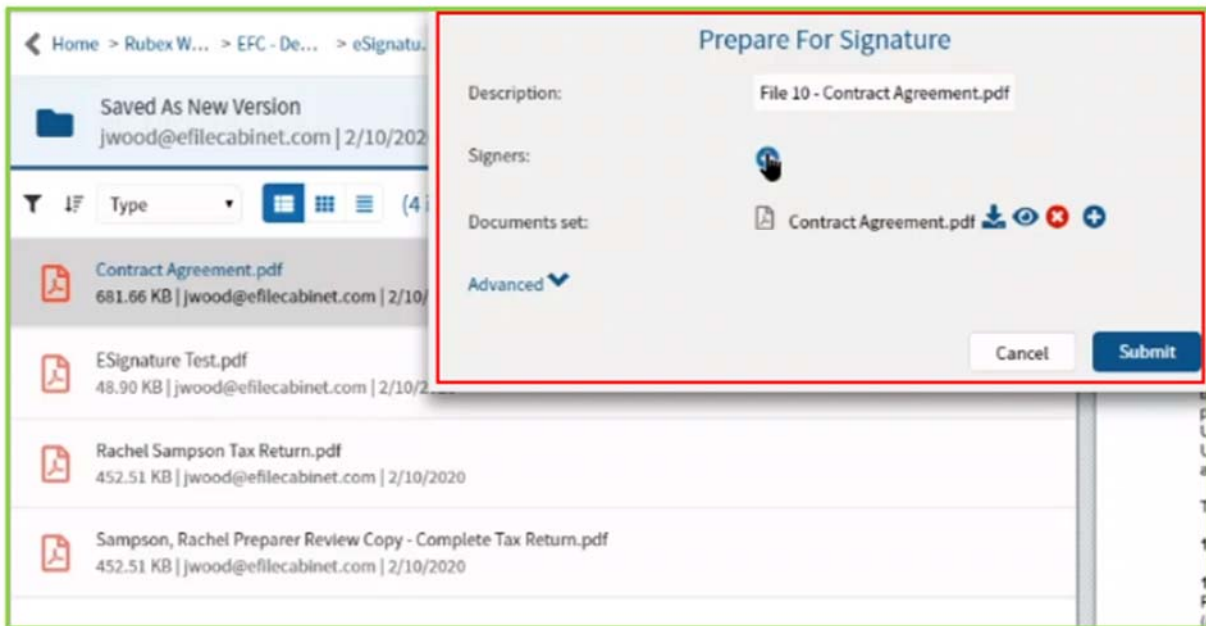
Clear Upload

(If you upload, please be certain it's an image of your initials or other mark.)

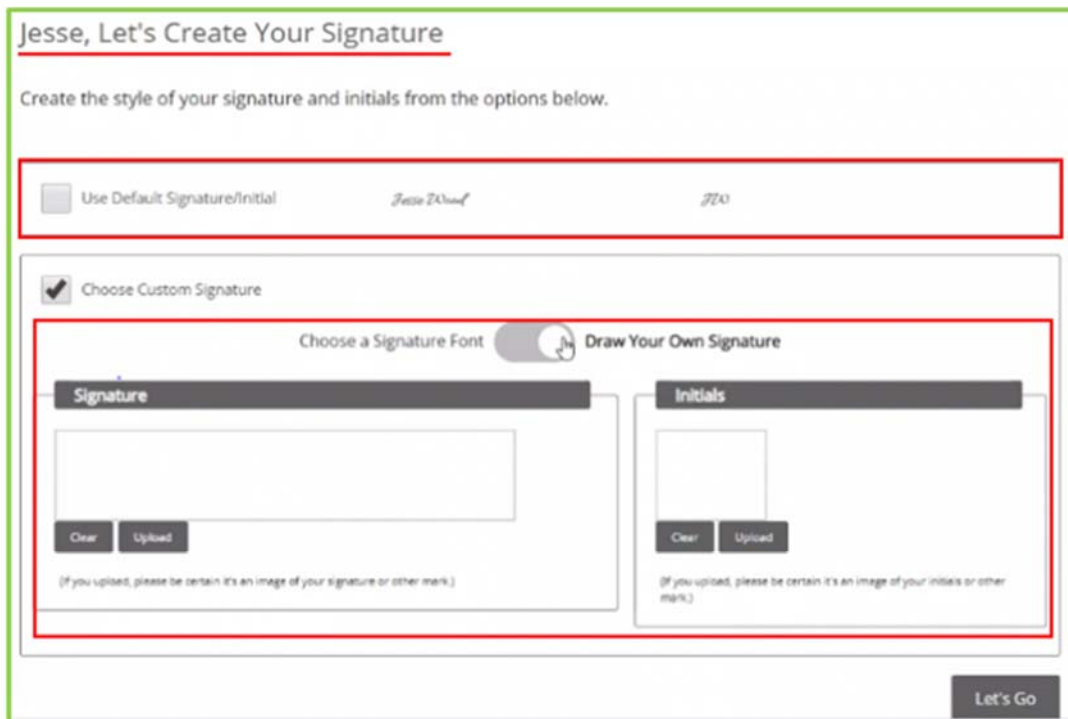
Let's Go

Source: <https://go.efilecabinet.com/esignature-get-started>

17. The at least one digital identification module is disposable within at least one electronic file. For example, the user can store the e-signature within a document or including PDF, WORD DOC, IMAGES, etc. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



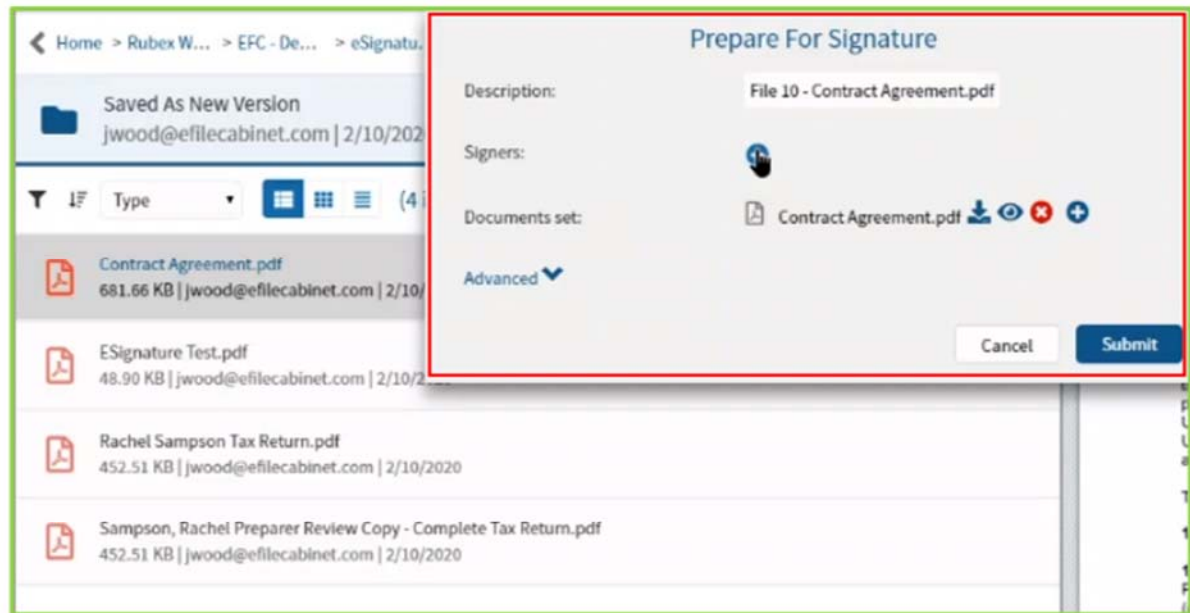
Source: <https://go.efilecabinet.com/esignature-get-started>



Source: <https://go.efilecabinet.com/esignature-get-started>

18. The at least one digital identification module includes at least one primary

component structured (e.g., an e-signature of a user is associated with information including username, etc.) to at least partially associate the digital identification module with the at least one entity (e.g., an e-signature is associated with a user, who has to sign digitally). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://go.efilecabinet.com/esignature-get-started>

Jesse, Let's Create Your Signature

Create the style of your signature and initials from the options below.

☐ Use Default Signature/Initial *Jesse [Handwritten]* JEO

☒ Choose Custom Signature

Choose a Signature Font ☐

Draw Your Own Signature ☒

Signature

Clear Upload

(If you upload, please be certain it's an image of your signature or other mark.)


Initials

Clear Upload

(If you upload, please be certain it's an image of your initials or other mark.)

Let's Go

Source: <https://go.eFilecabinet.com/esignature-get-started>


eFileCabinet

Username

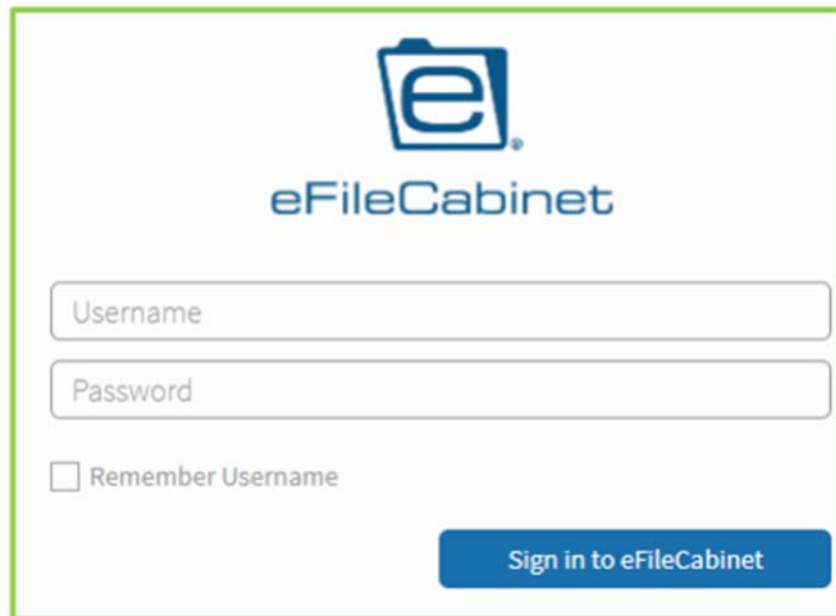
Password

☐ Remember Username

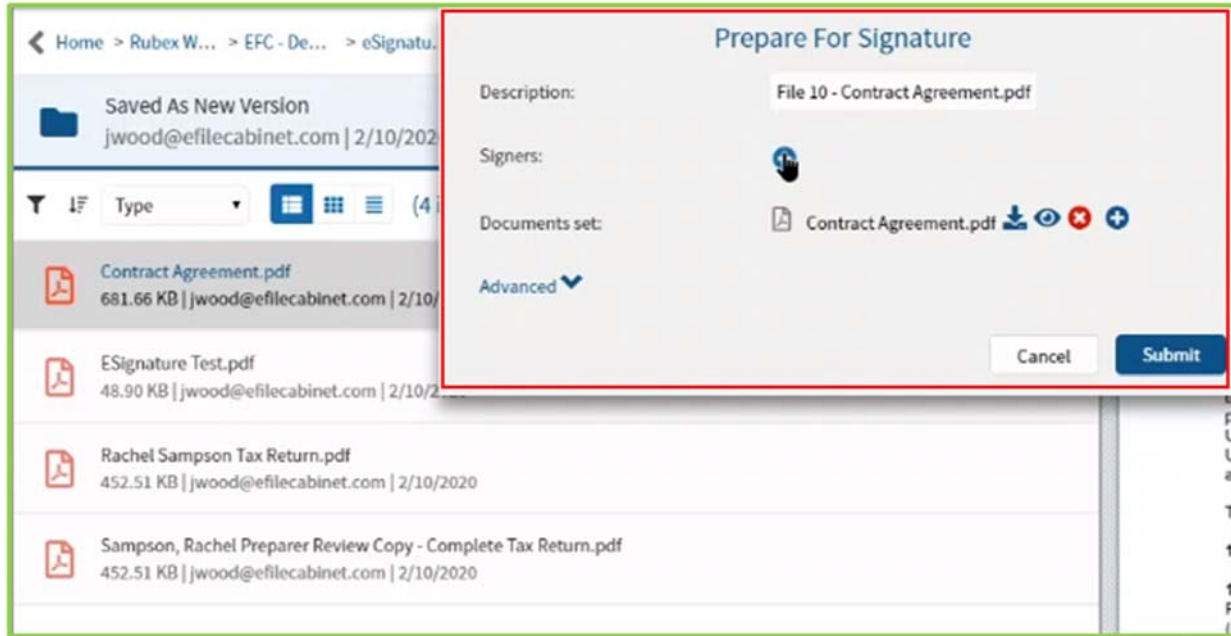
Sign in to eFileCabinet

Source: <https://app.eFilecabinet.com/#/login>

19. The at least one digital identification module is cooperatively structured to be embedded within only a single electronic file (e.g., an e-signature is stored within a document-including PDF, WORD DOC, IMAGES, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

A screenshot of the eFileCabinet login page. At the top center is the eFileCabinet logo, which consists of a blue square icon with a white 'e' inside, followed by the text 'eFileCabinet' in a blue sans-serif font. Below the logo are two input fields: the first is labeled 'Username' and the second is labeled 'Password'. Below the password field is a checkbox labeled 'Remember Username'. At the bottom right of the form is a blue button with the text 'Sign in to eFileCabinet' in white.

Source: <https://app.efilecabinet.com/#/login>



Source: <https://go.efilecabinet.com/esignature-get-started>

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,054,860 (or, in the

alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: September 3, 2021.

Respectfully submitted,

/s/ Geoffrey E. Dobbin

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